

IN THE UNITED STATES BANKRUPTCY COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE

IN RE:)
)
BUCKS COUNTY ONCOPLASTIC) Case No: 3:09-bk-03570
INSTITUTE, LLC) Chapter 7
) Judge Harrison
Debtor.)
)

**THE DEADLINE FOR FILING A TIMELY RESPONSE IS: March 5, 2020
IF A RESPONSE IS TIMELY FILED, THE HEARING WILL BE: March 17,
2020, at 9:00 a.m., in Courtroom Three, 2nd Floor, Customs House, 701 Broadway,
Nashville, Tennessee.**

NOTICE OF MOTION TO EXTEND BAR DATE

Eva M. Lemeh, Trustee, has asked the court for the following relief: to extend the bar date for filing proofs of claim through May 15, 2020.

YOUR RIGHTS MAY BE AFFECTED. If you do not want the court to grant the attached motion by entering the attached order, or if you want the court to consider your views on the motion, then on or before March 5, 2020, you or your attorney must:

1. File with the court your response or objection explaining your position. **PLEASE NOTE: THE BANKRUPTCY COURT FOR THE MIDDLE DISTRICT OF TENNESSEE REQUIRES ELECTRONIC FILING. ANY RESPONSE OR OBJECTION YOU WISH TO FILE MUST BE SUBMITTED ELECTRONICALLY. TO FILE ELECTRONICALLY, YOU OR YOUR ATTORNEY MUST GO TO THE COURT WEBSITE AND FOLLOW THE INSTRUCTIONS AT: <<https://ecf.tnmb.uscourts.gov>>.**

If you need assistance with Electronic Filing you may call the Bankruptcy Court at (615) 736-5584. You may also visit the Bankruptcy Court in person at: 701 Broadway, 1st Floor, Nashville, TN (Monday - Friday, 8:00 A.M. - 4:00 P.M.).

2. **Your response must state that the deadline for filing responses is March 52, 2020, the date of the scheduled hearing is March 17, 2020, and the motion to which you are responding is the Motion to Extend Bar Date.**

3. You must serve your response or objection **by electronic service through the Electronic Filing system** described above. You must also mail a copy of your response or objection to:

Eva M. Lemeh, Trustee
4300 Kings Lane
Nashville, TN 37218

United States Trustee
701 Broadway, Customs House Suite 318
Nashville, TN 37203

Phillip G. Young, Jr.
Thompson Burton PLLC
One Franklin Park
6100 Tower Cir., Ste 200
Franklin, TN 37067

If a response is filed before the deadline stated above, the hearing will be held at the time and place indicated above. ***THERE WILL BE NO FURTHER NOTICE OF THE HEARING DATE.*** You may check whether a timely response has been filed by calling the Clerk's office at (615) 736-5584 or viewing the case on the Court's website at <<https://ecf.tnmb.uscourts.gov>>.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion and may enter the attached order granting that relief.

Dated: February 12, 2020

By:/s/ Phillip G. Young, Jr.
Phillip G. Young, Jr.
Thompson Burton PLLC
6100 Tower Circle, Suite 200
Franklin, TN 37067
Tel: (615) 465-6000
phillip@thompsonburton.com

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MOTION TO EXTEND BAR DATE

The Trustee, Eva M. Lemeh, (the “Trustee”) files this *Motion to Extend Bar Date* (the “Motion”) seeking an extension of the bar date for filing claims in this matter through May 1, 2020 (the “Proposed Bar Date”), and in support thereof shows this Court as follows:

1. This case has a long and complicated history. On March 30, 2009, Bucks County Oncoplastic Institute, LLC (the “Debtor”) filed a voluntary petition for Chapter 7 bankruptcy relief. The Trustee was duly appointed as Trustee in this Chapter 7 bankruptcy case on the same date, has been duly qualified, and is now serving in said capacity.

2. The Trustee employed counsel to pursue preference actions against certain defendants, collected funds from a bank account, and sold certain pieces of medical equipment, all of which resulted in distributions to the holders of allowed unsecured claims of \$214,535.37.

3. In the course of her administration of this estate, the Trustee objected to a number of claims that, while filed in the name of the Debtor, attached proof of services rendered to DSI Holding Company, LLC, the Debtor’s parent company.

4. The Trustee filed her final report in this case on October 3, 2011, filed an amended final report on December 22, 2011, and this case was closed on July 9, 2012.

5. Subsequent to the closure of this case, the Trustee learned of allegations (and substantial facts supporting those allegations) that led the Trustee to conclude that DSI Holding Company, LLC and/or DSI Renal Holdings, LLC should be held jointly and severally liable for the debts of the Debtor. More specifically, DSI Renal Holdings, LLC filed for Chapter 7 bankruptcy in the United States Bankruptcy Court for the District of Delaware and the Chapter 7 Trustee appointed by the Delaware bankruptcy court uncovered facts that showed that the Debtor and its parent company participated in a fraudulent scheme to transfer all of the assets of both companies to the parent company, while transferring all of the debt to the Debtor. The facts uncovered by the Delaware trustee also showed that the Debtor and DSI Holding Company, LLC / DSI Renal Holdings, LLC were essentially a single entity.

6. After learning of these facts, the Trustee filed a substantial claim (representing the balance of the unpaid claims in this case, plus interest and fees) in the Delaware bankruptcy case of DSI Renal Holdings, LLC. She has twice amended the claim to include additional interest and fees.

7. When this case was originally pending, the Trustee disallowed a number of claims that appeared to be claims against DSI Holding Company, LLC, and not against the Debtor. In fact, at least six claimants listed DSI Holding Company, LLC as a “d/b/a” of the Debtor in their proofs of claim.

8. Of the more than 200 creditors listed in the Debtor’s schedules, only sixty claims were filed. The Trustee fears that many of the Debtor’s creditors failed to file a claim because all invoices and related paperwork showed the party owing the debt as “DSI Holding Company, LLC”, not the Debtor.

9. By this Motion, the Trustee respectfully requests that the Court extend the proof of claim bar date to May 15, 2020, to allow any creditors who failed to file a claim against the Debtor, under the mistaken belief that the debt was owed by DSI Holding Company, LLC, to timely file a claim. Given the new facts and other circumstances surrounding this case, the Trustee believes that this requested extension is appropriate, equitable, and in the interest of justice.

WHEREFORE, the Trustee respectfully requests the Court to enter an order (i) establishing a new bar date of May 15, 2020, for filing proofs of claim and (ii) granting such other and further relief as the Court finds just and proper.

Respectfully Submitted,

/s/ Phillip G. Young, Jr.
Phillip G. Young, Jr.
Thompson Burton PLLC
6100 Tower Circle, Suite 200
Franklin, TN 37067
Tel: (615) 465-6000
phillip@thompsonburton.com

PROPOSED

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IN RE:)
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ORDER GRANTING MOTION TO EXTEND BAR DATE

Upon consideration of the notice and motion of Eva M. Lemeh, Trustee, requesting an extension of the bar date for filing proofs of claim through May 15, 2020; and no objections having been filed; and it appearing to the Court that the relief sought in this matter is appropriate; It is hereby

ORDERED that the bar date for timely filing proofs of claims in this matter is hereby extended through May 15, 2020.

This Order was signed and entered electronically as indicated at the top of the first page.

APPROVED FOR ENTRY:

/s/ Phillip G. Young, Jr.
Phillip G. Young, Jr.
Thompson Burton PLLC
6100 Tower Circle, Suite 200
Franklin, TN 37067
Tel: (615) 465-6000
phillip@thompsonburton.com

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served this 13th day of February, 2020, upon all parties of record requesting notice through the Court's electronic filing system, and upon the attached mailing matrix by United States First Class Mail.

/s/ Phillip G. Young, Jr.
Phillip G. Young, Jr.